

8-18-03



PHA 4294 (3167/5Z)
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of John P. McKearn et al.

Art Unit 1624

Serial No. 09/857,995 ✓

Filed October 5, 2001 ✓

Confirmation No. Unknown

For METHOD OF USING A MATRIX METALLOPROTEINASE INHIBITOR AND ONE
OR MORE ANTINEOPLASTIC AGENTS AS COMBINATION THERAPY IN THE
TREATMENT OF NEOPLASIA ✓

August 15, 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

INFORMATION DISCLOSURE STATEMENT

In accordance with 37 C.F.R. 1.97 and 1.98 and MPEP 609, and in compliance with the duty of disclosure set forth in 37 C.F.R. 1.56, Applicants submit copies of the references listed on the attached PTO/SB/08A for consideration by the Patent and Trademark Office in the above-entitled application and to be made of record therein.

Please note that Applicants make no representation as to the accuracy or completeness of the translations of the abstracts submitted herewith.

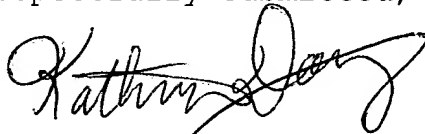
In preparation of this Information Disclosure Statement, Applicants determined that approximately 923 references were cited in the application. In an effort to reduce the burden on the Office, each reference was briefly reviewed by an attorney. This review eliminated any reference that was determined to be irrelevant or merely cumulative. If the Office would like a copy

of the eliminated references, they can be provided at the Office's request.

A check in the amount of \$180.00 is enclosed to cover the fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

* Also enclosed is Applicants' executed Power of Attorney.

Respectfully submitted,



Kathryn J. Doty, Reg. No. 40,593
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

KJD/msc
*Enclosures

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Express Mail Label No. EV 327052146 US - Box 3 of 4
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FEE TRANSMITTAL

Application Number 09/857,995
Filing Date October 5, 2001
Confirmation No. Unknown
Inventor(s) John P. McKearn et al.
Attorney Docket Number PHA 4294(3167/5Z)

Art Unit 1624



METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
- ☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
- ☐ Applicant claims small entity status.
- * 2. ☒ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. ☐ BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)

2. ☐ EXTRA CLAIM FEES Subtotal (2) \$ _____

Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____

3. ☒ ADDITIONAL FEES Subtotal (3) \$ 180.00

- ☐ Surcharge - late filing fee or oath
☐ Surcharge - late provisional filing fee or cover sheet
☐ Extension for reply within _____ month
☐ Notice of Appeal
☐ Filing a Brief in Support of an appeal
☐ Request for ex parte Reexamination
☐ Petitions to the Commissioner
☒ Submission of Information Disclosure Statement
☐ Recording each patent assignment per property
☐ Request for Continued Examination
☐ Other: _____

TOTAL AMOUNT OF PAYMENT \$ 180.00


Kathryn J. Doty, Reg. No. 40,593

August 15, 2003
Date

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08-18-03 1624 #24

<div style="display: flex; justify-content: space-between;"> <div> PTO/SB/08A AUG 15 2003 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) </div> <div style="text-align: right;"> Compl t if Known </div> </div>				Application Number		09/857,995
				Filing Date		October 5, 2001
				Confirmation Number		Unknown
				First Named Inventor		John P. McKearney et al.
				Group Art Unit		1624
				Examiner Name		Unknown
				Sheet	1	of

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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
	1.	4,100,274		Dutta et al.	07-11-1978
	2.	4,105,681		Bollag et al.	08-08-1978
	3.	4,140,707		Cleare et al.	02-20-1979
	4.	4,215,215		Bollag et al.	07-29-1980
	5.	4,310,666		Zee-Cheng et al.	01-12-1982
	6.	4,472,382		Labrie et al.	09-18-1984
	7.	4,596,797		Schweikert et al.	06-24-1986
	8.	5,250,683		Holton et al.	10-05-1993
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	10.	5,272,171		Ueda et al.	12-21-1993
	11.	5,319,112		Kingston et al.	06-07-1994
	12.	5,344,991		Reitz et al.	09-06-1994
	13.	5,455,270		Kaplan et al.	10-03-1995
	14.	5,633,016		Johnson	05-27-1997
	15.	5,672,583		Chapman et al.	09-30-1997
	16.	5,686,419		Powers et al.	11-11-1997

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached or place an "A" here if English language abstract is attached..

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STATEMENT BY APPLICANT**

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Complete if Known

Application Number	09/857,995
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Confirmation Number	Unknown
First Named Inventor	John P. McKern et al.
Group Art Unit	1624
Examiner Name	Unknown
Attorney Docket No.	PHA 4294 (3167/5Z)

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of

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17.	5,696,131	Baguley et al.	12-09-1997
18.	5,733,909	Black et al.	03-31-1998
19.	5,767,142	LaVoie et al.	06-16-1998
20.	5,824,699	Kreft et al.	10-20-1998
21.	5,837,696	Golub et al.	11-17-1998
22.	5,869,524	Failli	02-09-1999
23.	5,952,381	Chen et al.	09-14-1999

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ⁶
		Office	Number ⁴	Kind Code ² (if known)			
	24.	DE	195 48 798	A1	Dr. Karl Thomae GmbH	07-03-1997	A
	25.	DE	196 13 933	A1	Merck Patent GmbH	10-09-1997	A
	26.	DE	196 26 701	A1	Hoechst AG	01-08-1998	A
	27.	EP	0 010 458	A1	ANVAR	04-30-1980	A
	28.	EP	0 054 168	A1	Klinge Pharma GmbH & Co.	06-23-1982	A
	29.	EP	0 095 875	A2	Farmos Group Ltd.	12-07-1983	
	30.	EP	0 165 904	A2	Ciba-Geigy AG	12-27-1985	A
	31.	EP	0 199 636	A1	C.I.R.D.	10-29-1986	A
	32.	EP	0 236 940	B1	Ciba-Geigy AG	09-16-1987	

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15

33.	EP	0 260 744	B1	Janssen Pharmaceutica N.V.	03-23-1988	
34.	EP	0 299 402	A2	ASTA Pharma Aktiengesellschaft	01-18-1989	A
35.	EP	0 331 983	A2	F. Hoffmann-La Roche AG	09-13-1989	A
36.	EP	0 402 232	A1	Rhone-Poulenc Sante	12-12-1990	A
37.	EP	0 532 156	A1	Matsuno et al.	03-17-1993	
38.	EP	0 579 915	A1	F. Hoffmann-La Roche AG	01-26-1994	A
39.	EP	0 640 594	A1	Fujirebio Inc.	03-01-1995	
40.	EP	0 702 962	A2	Eli Lilly and Company	03-27-1996	
41.	EP	0 703 239	A1	Hoechst Aktiengesellschaft	03-27-1996	A
42.	EP	0 716 086	A1	Boehringer Mannheim GMBH	06-12-1996	
43.	EP	0 743 070	A2	Trnka Mudr et al.	11-20-1996	A
44.	EP	0 758 649	A1	Kureha Chemical Industry Co., Ltd.	02-19-1997	
45.	EP	0 818 443	A2	American Cyanamid Company	01-14-1998	
46.	EP	0 882 734	A2	F. Hoffman-La Roche AG	12-09-1998	
47.	EP	0 921 119	A1	ADIR Et Compagnie	06-09-1999	A
48.	GB	2 282 598	A	Merck & Co., Inc.	04-12-1995	
49.	WO	87/07609	A1	Taiho Pharmaceutical Co., Ltd.	12-17-1987	A
50.	WO	93/00427	A2	Erziehungsdirektion of the Canton Zurich	01-07-1993	
51.	WO	93/11145	A1	Banyu Pharmaceutical Co., Ltd.	06-10-1993	

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STATEMENT BY APPLICANT

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Application Number	09/857,995
Filing Date	October 5, 2001
Confirmation Number	Unknown
First Named Inventor	John P. McKearn et al.
Group Art Unit	1624
Examiner Name	Unknown
Attorney Docket No.	PHA 4294 (3167/5Z)

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52.	WO	93/18652	A1	Merck & Co.	09-30-1993
53.	WO	94/02466	A1	The Du Pont Merck Pharmaceutical Company	02-03-1994
54.	WO	94/12169	A1	Merck & Co., Inc.	06-09-1994
55.	WO	94/13635	A1	Merck Frosst Canada Inc.	06-23-1994
56.	WO	94/20480	A1	Merck Frosst Canada Inc.	09-15-1994
57.	WO	94/21612	A1	Otsuka Pharmaceutical Co., Ltd.	09-29-1994
58.	WO	94/25431	A1	The Wellcome Foundation Limited	11-10-1994
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60.	WO	94/26731	A1	Merck Frosst Canada Inc.	11-24-1994
61.	WO	94/27980	A1	G.D. Searle & Co.	12-08-1994
62.	WO	95/02603	A2	Pharmacia S.P.A.	01-26-1995
63.	WO	95/08327	A1	The Government of the United States of America	03-30-1995
64.	WO	95/11883	A1	G.D. Searle & Co.	05-04-1995
65.	WO	95/12606	A1	The Wellcome Foundation Limited	05-11-1995
66.	WO	95/13289	A1	Chiroscience Limited	05-18-1995
67.	WO	95/15316	A1	G.D. Searle & Co.	06-08-1995
68.	WO	95/24199	A2	Cell Therapeutics, Inc.	09-14-1995
69.	WO	95/29892	A1	The Du Pont Merck Pharmaceutical Company	11-09-1995
70.	WO	95/30652	A1	G.D. Searle & Co.	11-16-1995

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	09/857,995
Filing Date	October 5, 2000
Confirmation Number	Unknown
First Named Inventor	John P. McKearn et al.
Group Art Unit	1624
Examiner Name	Unknown
Attorney Docket No.	PHA 4294 (3167/5Z)

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of

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72.	WO	96/00214	A1	Ciba-Geigy AG	01-04-1996
73.	WO	96/00574	A1	Smithkline Beecham Corporation	01-11-1996
74.	WO	96/01653	A1	Board of Regents, The University of Texas System et al.	01-25-1996
75.	WO	96/03387	A1	G.D. Searle & Co.	02-08-1996
76.	WO	96/03392	A1	G.D. Searle & Co.	02-08-1996
77.	WO	96/06840	A1	Merck Frosst Canada Inc.	03-07-1996
78.	WO	96/14745	A1	The Regents of the University of California	05-23-1996
79.	WO	96/15096	A1	Bayer Corporation	05-23-1996
80.	WO	96/21667	A1	Merck Frosst Canada Inc.	07-18-1996
81.	WO	96/23791	A1	Syntex Inc.	08-08-1996
82.	WO	96/27583	A1	Pfizer Inc.	09-12-1996
83.	WO	96/33988	A1	Wisconsin Alumni Research Foundation	10-31-1996
84.	WO	96/35774	A2	The Children's Medical Center Corporation	11-14-1996
85.	WO	96/36335	A1	Pharmacia S.P.A.	11-21-1996
86.	WO	96/36612	A1	Rutgers, The State University of New Jersey	11-21-1996
87.	WO	96/36622	A1	Indena S.P.A.	11-21-1996
88.	WO	96/36623	A1	Merck Frosst Canada Inc.	11-21-1996

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				First Named Inventor	John P. McKearn et al.
				Group Art Unit	1624
				Examiner Name	Unknown
Sheet	6	of	15	Attorney Docket No.	PHA 4294 (3167/5Z)

	89.	WO	96/37469	A1	Merck Frosst Canada Inc.	11-28-1996	
	90.	WO	97/11693	A1	3-Dimensional Pharmaceuticals, Inc.	04-03-1997	
	91.	WO	97/15666	A1	The Children's Medical Center Corporation	05-01-1997	
	92.	WO	97/15676	A2	Abbott Laboratories	05-01-1997	
	93.	WO	97/19068	A1	Warner-Lambert Company	05-29-1997	
	94.	WO	97/19954	A1	Asta Medica Aktiengesellschaft	06-05-1997	
	95.	WO	97/20835	A1	Harbor Branch Oceanographic Institution, Inc.	06-12-1997	
	96.	WO	97/23459	A1	Warner-Lambert Company	07-03-1997	
	97.	WO	97/24116	A2	Allergan	07-10-1997	
	98.	WO	97/29106	A1	Rutgers, The State University of New Jersey	08-14-1997	
	99.	WO	97/31936	A2	Wisconsin Alumni Research Foundation	09-04-1997	
	100.	WO	97/34608	A1	Mayo Foundation for Medical Education and Research	09-25-1997	
	101.	WO	97/36497	A2	Mars, Incorporated	10-09-1997	
	102.	WO	97/36863	A1	Merck Frosst Canada Inc.	10-09-1997	
	103.	WO	97/37658	A1	Boehringer Mannheim Italia S.P.A.	10-16-1997	
	104.	WO	97/41844	A1	Alcon Laboratories, Inc.	11-13-1997	
	105.	WO	97/44315	A1	Warner-Lambert Company	11-27-1997	

Examiner Signature		Date Considered	
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106.	WO	97/47296	A2	Mount Sinai Hospital Corporation	12-18-1997	
107.	WO	97/47599	A1	Fujisawa Pharmaceutical Co., Ltd.	12-18-1997	
108.	WO	97/48685	A1	Glaxo Group Limited	12-24-1997	
109.	WO	97/49704	A1	Janssen Pharmaceutica N.V.	12-31-1997	
110.	WO	98/03166	A1	Monsanto Company	01-29-1998	
111.	WO	98/03484	A1	Merck Frosst Canada Inc.	01-29-1998	
112.	WO	98/05635	A1	Chiroscience Limited	02-12-1998	
113.	WO	98/07433	A1	Bristol-Myers Squibb Company	02-26-1998	
114.	WO	98/08814	A1	The Procter & Gamble Company	03-05-1998	
115.	WO	98/08850	A1	The Procter & Gamble Company	03-05-1998	
116.	WO	98/12181	A1	Rutgers, The State University of New Jersey	03-26-1998	
117.	WO	98/13350	A1	Zeneca Limited	04-02-1998	
118.	WO	98/14188	A1	Ilex Oncology Inc.	04-09-1998	
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120.	WO	98/16227	A1	G.D. Searle & Co.	04-23-1998	
121.	WO	98/22101	A2	G.D. Searle & Co.	05-28-1998	
122.	WO	98/25603	A1	Ilex Oncology, Inc.	06-18-1998	
123.	WO	98/25896	A1	G.D. Searle & Co.	06-18-1998	
124.	WO	98/27069	A1	Fujisawa Pharmaceutical Co., Ltd.	06-25-1998	

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Examiner Name	Unknown

Sheet	8	of	15	Attorney Docket No.	PHA 4294 (3167/5Z)
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125.	WO	98/33768	A1	Pfizer Products, Inc.	08-06-1998
126.	WO	98/33788	A1	Pharmacia & Upjohn S.P.A.	08-06-1998
127.	WO	98/40104	A2	Yale University et al.	09-17-1998
128.	WO	98/45294	A1	Astra Pharmaceuticals Ltd.	10-15-1998
129.	WO	99/01131	A1	Smithkline Beecham Corporation	01-14-1999
130.	WO	99/05104	A1	Pfizer Pharmaceuticals Inc.	02-04-1999
131.	WO	99/10331	A1	Abbott Laboratories	03-04-1999
132.	WO	99/12930	A1	Glaxo Group Limited	03-18-1999
133.	WO	99/14194	A1	Merck Frosst Canada Inc.	03-25-1999
134.	WO	99/14205	A1	Almirall Prodesfarma S.A.	03-25-1999
135.	WO	99/21583	A1	Warner-Lambert Company	05-06-1999
136.	WO	99/23087	A1	Merck Frosst Canada & Co.	05-14-1999
137.	WO	99/31067	A1	Rutgers, The State University of New Jersey	06-24-1999
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OTHER ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
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Application Number	09/857,995
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First Named Inventor	John P. McKearn et al.
Group Art Unit	1624
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